

**BID OPENING**  
CITY OF SAN JOSE  
OFFICE OF THE CITY CLERK

RECEIVED  
San Jose City Clerk

2010 MAR -4 P 2:47

City Clerk  
Time Stamp

TOTAL BASE BID 407,496.24

ALT NO. 1 \_\_\_\_\_

ALT NO. 2 \_\_\_\_\_

ALT NO. 3 \_\_\_\_\_

Alt No. 4 \_\_\_\_\_

Alt No. 5 \_\_\_\_\_

BID DATE: Thursday, March 04, 2010

Project Manager: Adolfo Alvarez ~ 535.8496

Traffic Light Synchronization Program:  
Signal Interconnect Cable (SIC) Segments  
Phase i

BIDDER NAME: Lewis + Tibbitts Inc.

Bond ☒ Cashier's Check \_\_\_\_\_

Addendums Included ( )

YES ☒ NO \_\_\_\_\_

NonCollusion Affidavit

YES ☒ NO \_\_\_\_\_

# **PROPOSAL TO CITY OF SAN JOSE**

FOR

## **TRAFFIC LIGHT SYNCHRONIZATION PROGRAM: SIGNAL INTERCONNECT CABLE (SIC) SEGMENTS PHASE 1**

Name of Bidder:

The representations herein are made under penalty of perjury.

To: The City of San Jose, State of California

The undersigned, as bidder, declares that the only person or parties interested in this proposal as principals are those named herein; that this proposal is made without collusion with any other person, firm or corporation; that the bidder has thoroughly read and examined and has full knowledge of and understands all the provisions and contents of this proposal and the documents which must be attached hereto, the Plans approved by the Director of Public Works on September 25, 2009, entitled **TRAFFIC LIGHT SYNCHRONIZATION PROGRAM: SIGNAL INTERCONNECT CABLE (SIC) SEGMENTS PHASE 1** and the Specifications approved by the Director of Public Works on September 25, 2009, entitled **TRAFFIC LIGHT SYNCHRONIZATION PROGRAM: SIGNAL INTERCONNECT CABLE (SIC) SEGMENTS PHASE 1** on file in the office of the Director of Public Works of the City of San Jose in City Hall, San Jose, California; that the bidder has thoroughly examined said Plans and Specifications which are on file in the office of the Director of Public Works, and that the bidder has full knowledge of and understands said Plans and Specifications and the requirements thereof; and that the bidder has further read and understands, and has knowledge of the contents of any and all addenda to said Plans and Specifications on file; and that the bidder proposes and agrees, if this proposal is accepted, that the bidder will contract with the City of San Jose, in the form of the copy of the contract on file in the office of the Director of Public Works, to do all the work and furnish all materials specified or referred to in the contract, in the manner and time therein prescribed, and according to the requirements of the City or Director of Public Works as therein set forth, to furnish the contract, bonds and insurance specified in the Specifications, and to do all other things required of the Contractor by the contract; and will take in full payment therefor the following price or unit prices as shown in the Schedule of Quantities on the next page(s).

If the bidder or other interested persons is a corporation, state legal name of corporation, also names of the President, Secretary, Treasurer, and the Manager thereof; if a partnership, state the name of the partnership, if one exists, also the names of all the partners comprising the partnership; if any of the partners are individuals, state the first and last name of every individual in full, if any of the partners are corporations, state for each such corporation, the information required above of corporations; if any of the partners are partnerships, state for each such partnership the information required above of partners; if the bidder or other interested person is a joint-venture, state the name of the joint venture, also names of all joint venturers comprising the joint venture; if any of the joint venturers are individuals, state the first and last name of every individual comprising the joint venture; if any of the joint venturers are corporations, state for each corporation the information required above of corporations; if any of the joint venturers are partnerships, state for each such partnership, the information required above of partners; if bidder or other interested persons is an individual, state first and last names in full.

If bidder is an individual, the bidder's signature shall be placed below; if bidder is an individual, doing business under a fictitious name, the name of the individual followed by the words "doing business under (insert the fictitious name)" shall be set forth above, together with the signature of the individual; if bidder is a corporation, the legal name of the corporation shall be set forth above, together with the signature of the officer or officers of the corporation, authorized to sign contracts on behalf of the corporation, the corporate title; that is Vice-President, Secretary, etc., should be placed below the name of the officer and the corporate seal affixed; if bidder is a partnership, the legal name of the partnership, if one exists, shall be set forth above, together with the signature of the partner or partners authorize to sign contracts on behalf of the partnership; if any of the partners are corporations, execution for such partners shall be accomplished

**SCHEDULE OF QUANTITIES**  
for  
**TRAFFIC LIGHT SYNCHRONIZATION PROGRAM: SIGNAL INTERCONNECT CABLE (SIC) SEGMENTS PHASE 1**

RE-BID 3/4/10

CONTRACTOR:

ITEM NO.	SPEC. SECTION	ITEM DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE (\$)	EXTENSION (\$)
1	4-1.03G	UTILITY CONFLICT WORK (Revocable)	L.S.	1	\$ 5,000.00	\$ 5,000.00
2	7-1.04.2	CALTRANS ENCROACHMENT PERMIT (Minimum Amount \$3,280.00)	L.S.	1	3,280.00	\$ 3,280.00
3	8-1.10.3	ADDITIONAL POTHOLING (Revocable)	EA.	20	300.24	\$ 6,004.80
4	12-1.02B	TRAFFIC CONTROL	L.S.	1	11,212.00	\$ 11,212.00
5	12-1.02D	POLICE OFFICERS FOR TRAFFIC CONTROL (\$45 minimum per hour per officer, Revocable)	PR. HR.	80	52.00	\$ 4,160.00
6	73-1.06E	ADDITIONAL P.C.C. SIDEWALK (Revocable)	S.F.	200	10.14	\$ 2,028.00
7	86-1.03B	RECORD DRAWINGS	L.S.	1	500.00	\$ 500.00
8	86-2.05C.5	2" CONDUIT	L.F.	12,800	25.79	\$ 330,112.00
9	86-2.06	#6 PULL BOX	EA.	49	340.56	\$ 16,687.44
10	86-2.08	25 PR SIC CABLE	L.F.	13,200	2.16	\$ 28,512.00
TOTAL PROJECT:						407,496.24

in accordance with the requirements set forth above for corporations; if any of the partners are partnerships, execution for such partners shall be accomplished in accordance with the requirements set forth above for partnership; if bidder is a joint-venture, the legal name of the joint venture, if one exists, shall be set forth above for partnerships. If signature is by an agent other than an officer of a corporation, or member of a partnership or a joint venture, a Power of Attorney must be on file with the City Clerk prior to opening bids or submitted with the bid; otherwise, the bid may, at the City's option, be disregarded as non-responsive.

If this proposal shall be accepted and the undersigned shall fail to contract, and to give the Contractor's Bond For Faithful Performance and the Contractor's Payment Bond required by the specifications and contract and by law, and to provide all insurance as required by said contract, within eight (8) days after the bidder has received notice from the City of San Jose, the City may, at its option, determine that the bidder has abandoned his/her contract, and thereupon this proposal and the acceptance thereof shall be null and void, and the forfeiture of such security accompanying this proposal shall operate and the same shall be the property of the City of San Jose.

In accordance with Public Contract Code Section 10232, the Contractor, hereby states under penalty of perjury, that no more than one final unappealable finding on contempt of court by a federal court has been issued against the Contractor within the immediately preceding two year period because of the Contractor's failure to comply with an order of a federal court which orders the Contractor to comply with an order of the National Labor Relations Board. Signing this Proposal on the signature portion thereof shall constitute signature of this Statement.

Accompanying this proposal are the following documents completely filled in by the bidder and the same are incorporated herein by reference;

1. Cash, a cashier's check or a certified check made payable to City, or a bidder's bond executed by an admitted surety insurer naming the City as beneficiary, in an amount equal to at least ten percent (10%) of the total amount bid including all alternatives.
2. A "List of Subcontractors".
3. A "Statement of Bidder's Experience".

City may at its option, request additional supplemental information after bid opening.

Bidder understands that the City reserves the right to reject any or all bids and to waive any informalities in the bidding.

**The undersigned, as bidder, declares that in listing subcontractors in this bid, I have not discriminated or given any preference to any firm based on race, sex, color, age, religion, sexual orientation, actual or perceived gender identity, disability, ethnicity, or national origin. I understand that any such discrimination or preference is in violation of Chapter 4.08 of the Municipal Code.**

**Execution of the Non-Collusion Affidavit constitutes execution of this Bid Proposal including the above statement of nondiscrimination and, with the exception of the Bidder's Bond or Addenda, if any, no other signatures will be required.**

# NONCOLLUSION AFFIDAVIT

Project Title: TRAFFIC LIGHT SYNCHRONIZATION PROGRAM: SIGNAL INTERCONNECT CABLE (SIC)  
SEGMENTS PHASE 1.

Eddie Renshaw

(print name)

, being first duly sworn, deposes and says that he/she is the party making the foregoing bid that the bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the bid is genuine and not collusive or sham; that the bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid, and has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or that anyone shall refrain from bidding; that the bidder has not in any manner, directly or indirectly, sought by agreement, communication or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in the bid are true; and further, that the bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof the effectuate a collusive or sham bid.

In accordance with Title 23, United States Code, Section 112, the bidder hereby states, under penalty of perjury, that he/she has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with this contract. Bidders are cautioned that making a false certification may subject certifier to criminal prosecution.

**The undersigned declares under penalty of perjury that the information contained in this proposal and all accompanying documents are true and correct.**

Executed on March 4, 2010

Lewis and Tibbitts, Inc.

Legal Company Name

Corporation

Indicate Type of Entity: Sole Proprietorship,  
Partnership (General/Limited Partners),  
Corporation, Joint Venture, etc.

City Business Lic. No.: 5810111210

Expiration Date: 07/15/2010

State Contractor Lic. No.: 281666

Classification: A, C10, C36 & C42

Expiration Date: 02/29/2012

Federal I. D. No.: 94-2195160

Address: 1470 Industrial Ave.

San Jose, CA 95112

By: 

Telephone: 408-925-0220

Title: Eddie Renshaw - Vice President

\*\*\*\*\*

NOTARY

SEE ATTACHED ACKNOWLEDGEMENT

On \_\_\_\_\_ before me, \_\_\_\_\_, personally appeared  
(name and title of officer)

\_\_\_\_\_ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under the PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

(Seal)

Notary Public

## ACKNOWLEDGMENT

State of California  
County of Santa Clara )

On 3/4/10 before me, Buster Joe Segura, Notary Public  
(insert name and title of the officer)

personally appeared Eddie Dale Renshaw, Jr.,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in  
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the  
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

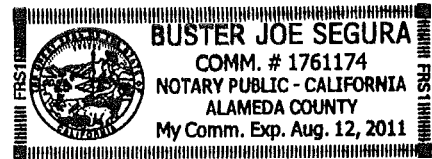
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing  
paragraph is true and correct.

WITNESS my hand and official seal.

Signature



(Seal)



## **BIDDER'S BOND**

KNOW ALL PERSONS BY THESE PRESENTS:

That we, LEWIS AND TIBBITTS, INC. as PRINCIPAL, and DEVELOPERS SURETY AND INDEMNITY COMPANY, a corporation duly organized under the laws of the State of Iowa and duly licensed to become sole surety on bonds required or authorized by the State of California, as SURETY, are held and firmly bound unto the City of San Jose (hereinafter called the "City"), in the penal sum of TEN PERCENT (10%) OF THE TOTAL AMOUNT OF THE BID of the Principal above named, submitted by said Principal to the City of San Jose, for the work described below; for the payment of which sum in lawful money of the United States, well and truly to be made, we bind ourselves, our heirs, executors, administrators and successors, jointly and severally, firmly by these presents. In no case shall the liability of the Surety hereunder exceed the sum of Ten Percent of Amount Bid DOLLARS (\$ 10% of Bid).

THE CONDITION OF THIS OBLIGATION IS SUCH,

That whereas the Principal has submitted the above mentioned bid to the City of San Jose, for certain construction specifically described as follows, for which bids are to be opened in the Department of Public Works, City of San Jose, City Hall, 200 E. Santa Clara St., Wing 2<sup>nd</sup> Fl., San Jose, CA 95113, on March 4, 2010 for **TRAFFIC LIGHT SYNCHRONIZATION PROGRAM: SIGNAL INTERCONNECT CABLE (SIC) SEGMENTS PHASE 1**

NOW, THEREFORE, if the aforesaid Principal is awarded the contract and, within the time and manner required under the specifications, after the prescribed forms are presented to Principal for signature, enters into a written contract, in the prescribed forms, in accordance with the bid, and files a Faithful Performance Bond and a Contractor's Payment Bond, and files the required insurance policies with the City, all as required by the specifications and the contract or by law, then the obligation shall be null and void; otherwise it shall be and remain in full force and effect.

The Surety, for value received, hereby stipulates and agrees that the obligation of said Surety and its bond shall be in no way impaired or affected by any extension of the time within which the Owner may accept such Bid; and said Surety does hereby waive notice of any such extension.

In the event suit is brought upon this bond by the Obligee and judgement is recovered, the Surety shall pay all costs incurred by the Obligee in such suit, including a reasonable attorney's fee to be fixed by the court.

IN WITNESS WHEREOF, we have hereunto set our hands and seals on this 1st  
day of March, 20 10.

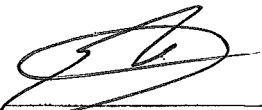
PRINCIPAL

SURETY

LEWIS AND TIBBITTS, INC.  
Legal Company Name

DEVELOPERS SURETY AND INDEMNITY COMPANY  
Legal Company Name

Indicate Type of Entity  
Corporation

By   
Title:

**Eddie Renshaw, Vice President**

By   
Title: Susan E. Barrett, Attorney-in-Fact

By \_\_\_\_\_  
Title:

By \_\_\_\_\_  
Title:

(Affix Corporate Seals)

(Attach Acknowledgments of both Principal and Surety signatures)



POWER OF ATTORNEY FOR  
DEVELOPERS SURETY AND INDEMNITY COMPANY  
INDEMNITY COMPANY OF CALIFORNIA  
PO Box 19725, IRVINE, CA 92623 (949) 263-3300

KNOWALL BY THESE PRESENTS that except as expressly limited, DEVELOPERS SURETY AND INDEMNITY COMPANY and INDEMNITY COMPANY OF CALIFORNIA, do each hereby make, constitute and appoint:

\*\*\*Nip Pham, Susan E. Barrett, jointly or severally\*\*\*

as their true and lawful Attorney(s)-in-Fact, to make, execute, deliver and acknowledge, for and on behalf of said corporations, as sureties, bonds, undertakings and contracts of suretyship giving and granting unto said Attorney(s)-in-Fact full power and authority to do and to perform every act necessary, requisite or proper to be done in connection therewith as each of said corporations could do, but reserving to each of said corporations full power of substitution and revocation, and all of the acts of said Attorney(s)-in-Fact, pursuant to these presents, are hereby ratified and confirmed.

This Power of Attorney is granted and is signed by facsimile under and by authority of the following resolutions adopted by the respective Boards of Directors of DEVELOPERS SURETY AND INDEMNITY COMPANY and INDEMNITY COMPANY OF CALIFORNIA, effective as of January 1st, 2008.

RESOLVED, that a combination of any two of the Chairman of the Board, the President, Executive Vice-President, Senior Vice-President or any Vice President of the corporations be, and that each of them hereby is, authorized to execute this Power of Attorney, qualifying the attorney(s) named in the Power of Attorney to execute, on behalf of the corporations, bonds, undertakings and contracts of suretyship; and that the Secretary or any Assistant Secretary of either of the corporations be, and each of them hereby is, authorized to attest the execution of any such Power of Attorney;

RESOLVED, FURTHER, that the signatures of such officers may be affixed to any such Power of Attorney or to any certificate relating thereto by facsimile, and any such Power of Attorney or certificate bearing such facsimile signatures shall be valid and binding upon the corporations when so affixed and in the future with respect to any bond, undertaking or contract of suretyship to which it is attached.

IN WITNESS WHEREOF, DEVELOPERS SURETY AND INDEMNITY COMPANY and INDEMNITY COMPANY OF CALIFORNIA have severally caused these presents to be signed by their respective officers and attested by their respective Secretary or Assistant Secretary this January 1st, 2008.

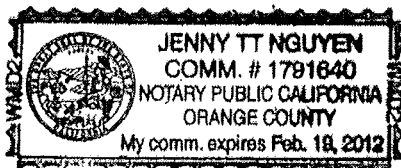
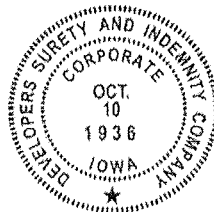
By: Daniel Young  
Daniel Young, Vice-President

By: Stephen T. Pate  
Stephen T. Pate, Senior Vice-President

State of California  
County of Orange

On August 13th, 2008 before me, Jenny TT Nguyen, Notary Public  
Date Here Insert Name and Title of the Officer

personally appeared Daniel Young and Stephen T. Pate  
Name(s) of Signer(s)



Place Notary Seal Above

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Jenny TT Nguyen  
Jenny TT Nguyen, Notary Public

CERTIFICATE

The undersigned, as Secretary or Assistant Secretary of DEVELOPERS SURETY AND INDEMNITY COMPANY or INDEMNITY COMPANY OF CALIFORNIA, does hereby certify that the foregoing Power of Attorney remains in full force and has not been revoked and, furthermore, that the provisions of the resolutions of the respective Boards of Directors of said corporations set forth in the Power of Attorney are in force as of the date of this Certificate.

This Certificate is executed in the City of Irvine, California, this 1st day of March, 2010.

By: Gregg Okura  
Gregg Okura, Assistant Secretary

## ACKNOWLEDGMENT

State of California

County of Santa Clara )

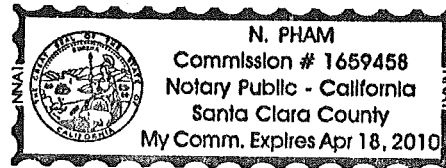
On 3/1/10 before me, N. Pham, Notary Public  
(insert name and title of the officer)

personally appeared Susan E. Barrett,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in  
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the  
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing  
paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Handwritten Signature]



(Seal)

## ACKNOWLEDGMENT

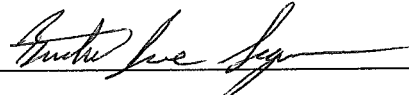
State of California  
County of Santa Clara)

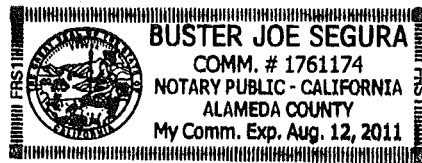
On 3/3/10 before me, Buster Joe Segura, Notary Public  
(insert name and title of the officer)

personally appeared Eddie Dale Renshaw, Jr.,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are  
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I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing  
paragraph is true and correct.

WITNESS my hand and official seal.

Signature  (Seal)



# LIST OF SUBCONTRACTORS

Designation of Subcontractors as required in Section 2-1.15A of the City of San Jose Standard Specifications, July 1992.

NAME OF SUBCONTRACTOR	LOCATION OF PLACE OF BUSINESS	PORTION (DESCRIPTION) OF WORK
Precision Directional Boring	1575 Granache Way Templeton, CA 93465	Directional Boring

## STATEMENT OF BIDDER'S EXPERIENCE

The bidder is required to state below what work of similar magnitude or character the bidder has done, and to give reference that will enable the City Council to judge the bidder's experience, skill and business standing and of the bidder's ability to conduct the bidder's work as completely and as rapidly as required under the terms of the contract.

PROJECT NAME

AGENCY/ENTITY

CONTRACT AMOUNT

See Attached Supplemental listing

**Lewis and Tibbitts, Inc**  
**Supplemental Listing**  
**STATEMENT OF BIDDER'S EXPERIENCE**

<b><u>PROJECT NAME</u></b>	<b><u>AGENCY/ENTITY</u></b>	<b><u>CONTRACT AMOUNT</u></b>
Underground District 38	City of Palo Alto	1,523,899.64
San Fernando Street	AT&T	1,237,586.03
Spyglass	Taylor Morrison Services, Inc.	350,865.62
Spyglass-Private Lighting	Taylor Morrison Services, Inc.	482,100.70
San Pablo Avenue	AT&T	623,287.68
Marburg	Taylor Morrison Services, Inc.	389,722.30
Terra Serena	KB HOME, South Bay, Inc.	4,553,053.86
Creekside Site Lighting	Taylor Morrison Services, Inc.	348,958.27
Mission Street Underground Utility Phase 2	City of Santa Cruz-Public Works Dept.	3,699,965.27
Morgan Lane	Taylor Morrison Services, Inc.	833,676.48
New Central Park Apts	Douglas Ross Construction	591,618.00
Trestle Glen	Segue Construction	184,000.00

## STATEMENT OF BIDDER'S EXPERIENCE

The bidder is required to state below what work of similar magnitude or character the bidder has done, and to give reference that will enable the City Council to judge the bidder's experience, skill and business standing and of the bidder's ability to conduct the bidder's work as completely and as rapidly as required under the terms of the contract.

**PROJECT NAME**

AGENCY/ENTITY

**CONTRACT AMOUNT**

[illegible]

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
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JOB NO. 3177  
ST. TIME 02/25 11:08  
PGS. 1  
SEND DOCUMENT NAME  
  
TX IMCOMPLETE -----  
TRANSACTION OK 14082926293  
ERROR -----



*Department of Public Works*  
TRANSPORTATION AND HYDRAULICS SERVICES DIVISION

# FAX BACK

WE NEED TO KNOW IF YOU HAVE RECEIVED  
ALL 2 PAGES OF THIS ADDENDUM NO.1 FOR:  
Traffic Light Synchronization Program: Signal  
Interconnect Cable (SIC) Segments Phase 1

PLEASE ACKNOWLEDGE RECEIPT OF THIS  
ADDENDUM IMMEDIATELY BY PROVIDING THE  
INFORMATION REQUESTED BELOW AND FAXING  
THIS PAGE BACK TO THE PROJECT MANAGER,  
Adolfo Alvarez AT (408) 292-6293

YOUR COMPANY NAME: Lewis + Tibbitts, Inc.

AUTHORIZED SIGNATURE: 



# FAX BACK

WE NEED TO KNOW IF YOU HAVE RECEIVED  
ALL 2 PAGES OF THIS ADDENDUM NO. 1 FOR:  
Traffic Light Synchronization Program: Signal  
Interconnect Cable (SIC) Segments Phase 1

PLEASE ACKNOWLEDGE RECEIPT OF THIS  
ADDENDUM IMMEDIATELY BY PROVIDING THE  
INFORMATION REQUESTED BELOW AND FAXING  
THIS PAGE BACK TO THE PROJECT MANAGER,  
Adolfo Alvarez AT (408) 292-6293

YOUR COMPANY NAME: Lewis + Tibbitts, Inc.

AUTHORIZED SIGNATURE: 

DATE: 2/25/10

If you have any questions, please call the project manager at (408) 535-8496